



October 15, 2002 CPC  
December 17, 2002 CPC  
February 18, 2003 CPC  
March 12, 2003 BS

STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

03SN0109

RMD Land, L.C. and RMCRC Land, L.C.

Bermuda Magisterial District  
West line of Ruffin Mill Road

**REQUEST:** Amend Conditional Use Planned Development (Case 85S121) relative to screening and setbacks.

**PROPOSED LAND USE:**

Light and general industrial uses are planned.

**PLANNING COMMISSION RECOMMENDATION**

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITION ON  
PAGE 2.

**STAFF RECOMMENDATION**

The original conditions of zoning were negotiated with area property owners. After consideration of public input, should the Commission and Board wish to approve this amendment, acceptance of the Proffered Condition would be appropriate.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

***Providing a FIRST CHOICE Community Through Excellence in Public Service.***

## PROFFERED CONDITION

(STAFF/CPC) Adjacent to Tax IDs 808-638-7283 and 808-639-7909, a minimum twenty-five (25) foot setback shall be maintained for all driveways, parking areas and buildings. Within this setback, a berm shall be installed. The berm shall be landscaped at a density of 2.5 times Perimeter Landscaping C. This requirement shall not be applicable once stated adjacent parcel(s) are zoned for industrial use. (P)

(Note: This condition supersedes Condition 4 of Case 85S121.)

(Staff Note: With approval of this request, Condition 4 is superseded and Condition 2 is deleted in Case 85S121 for the request property only.)

## GENERAL INFORMATION

### Location:

West line of Ruffin Mill Road, north of Ruffin Mill Circle. Tax IDs 807-638-8509, 808-638-1566 and 808-639-3226 (Sheet 35).

### Existing Zoning:

I-1 with Conditional Use Planned Development

### Size:

45.7 acres

### Existing Land Use:

Vacant

### Adjacent Zoning and Land Use:

North - R-12; Vacant

South - I-1 with Conditional Use Planned Development; Industrial or vacant

East - A, R-15 and I-2; Single family residential, general industrial or vacant

West - I-1 with Conditional Use Planned Development; Light and general industrial

## UTILITIES; ENVIRONMENTAL AND PUBLIC FACILITIES

This request will have no impact on these facilities.

## LAND USE

### Comprehensive Plan:

The Consolidated Eastern Area Plan suggests the request property and surrounding area is appropriate for light industrial use.

### Area Development Trends:

Adjacent property to the north is zoned Residential (R-12) and is vacant. Properties to the south and west are zoned Light Industrial (I-1) and Light Industrial (I-1) with Conditional Use Planned Development and are occupied by light or general industrial uses or are vacant. Adjacent properties to the east are zoned Agricultural (A), Residential (R-15) and General Industrial (I-2) and are occupied by single family residential uses, general industrial uses or are vacant. It is anticipated that light industrial uses will continue to be developed in the area in accordance with the Plan.

### Zoning History:

On October 8, 1980, the Board of Supervisors, upon a favorable recommendation from the Planning Commission, approved rezoning of the request property and adjacent property to the south from Residential (R-12) to Light Industrial (M-1). (Case 80S111)

On September 25, 1985, the Board of Supervisors, upon a favorable recommendation from the Planning Commission, approved a Conditional Use Planned Development with use exceptions to permit all General Industrial (M-2) uses, except sanitary sewage treatment plants, plus a meat products processing and manufacturing plant (a Heavy Industrial (M-3) use) and setback exceptions (Case 85S121) on the request property and adjacent property to the south. Conditions were imposed relative to a Master Plan, paving, right of way dedication, limited access onto Ruffin Mill Road, architectural treatment, setbacks from adjacent agricultural property and screening. Subsequently, in 1986, an amendment to the Conditional Use Planned Development was approved on a portion of the request property and adjacent property to the south to permit residential dwellings to house employees of the industrial uses located on the adjacent property to the south (Case 86S075). Those dwellings were constructed; however, have now been removed.

### Current Proposal:

As noted herein, with the approval of Conditional Use Planned Development (85S121), conditions were negotiated with adjacent property owners which required certain setbacks and screening to insure land use transition between the proposed industrial uses and existing and anticipated residential development to the north and east of the request property.

The applicants are proposing to delete Condition 2 of Case 85S121, which requires all loading and outside storage areas to be screened from view of public roads in accordance with a screening plan approved by the Planning Department. Thus, development of the site will be subject to current Ordinance standards relative to screening of loading and outside storage areas. Verbally, the applicant has indicated an intent to seek a development standards waiver through a future application.

The applicants are also requesting to delete Condition 4 of Case 85S121, relative to setbacks and screening for buildings and parking to benefit from reduced setback requirements allowed by the current Ordinance along lot boundaries which are now adjacent to industrially-zoned properties. In addition, deletion of Condition 4 would eliminate the requirement for a 100 foot setback adjacent to two (2) parcels east of the request property which are zoned Agricultural (A) and are occupied by single family dwellings. The applicants are proposing to provide a twenty-five (25) foot setback from these two (2) parcels. In order to mitigate the impact of the reduced setback, the applicants have proffered that a berm will be installed within this setback which will be landscaped at a density of 2.5 times the Perimeter Landscaping C requirement of the Ordinance (Proffered Condition). The Proffered Condition also provides that at such time that these adjacent properties are rezoned for industrial use, the twenty-five (25) foot setback and screening will no longer be required. (Proffered Condition)

#### Site Design:

The request property lies within an Emerging Growth District Area. The Zoning Ordinance specifically addresses access, parking, landscaping, setbacks, signs, buffers, utilities, architectural treatment and screening. The purpose of the Emerging Growth District Standards is to promote high quality, well-designed projects. Development of the request property will be subject to the requirements of the Emerging Growth District Area, except as otherwise established for setbacks as discussed herein.

#### Setbacks and Screening:

Since the original zoning and subsequent Conditional Use Planned Development, adjacent properties to the west have been rezoned to permit Light Industrial (I-1) and General Industrial (I-2) uses. The majority of the adjacent property to the east has also been rezoned to permit General Industrial (I-2) uses. The Ordinance permits a reduction in setback requirements where Light Industrial (I-1) properties are adjacent to other industrial properties. With the approval of this request, the applicant is proposing to meet the setbacks as required by the Ordinance rather than those imposed with Case 85S121, except that the applicant is proposing a twenty-five (25) foot setback adjacent to the properties, identified as Tax IDs 808-638-7283 and 808-639-7909, which have remained in an Agricultural (A) District. Condition 4 of Case 85S121 established a 100 foot setback adjacent to these parcels. Likewise, the current Ordinance would require a 100 foot setback adjacent to these

parcels rather than the twenty-five (25) foot setback proposed by the applicant. In order to mitigate potential impact of the reduced setback adjacent to these parcels, the applicants have proffered that a landscaped berm will be installed to mitigate the impact of uses on the request property (Proffered Condition). It is anticipated that these adjacent Agricultural (A) properties will be developed in the future for industrial uses as suggested by the Plan.

Should Condition 2 be deleted, screening of loading areas will be regulated by current Ordinance Standards. Again, the applicant has indicated an intent to seek a development standards waiver to these requirements in the future.

### CONCLUSIONS

The original conditions of zoning were negotiated with area property owners. A majority of the property surrounding the request property was already zoned or designated in the Plan to permit single family residential uses. Currently, properties surrounding the request property are designated in the Plan for industrial use, and the majority of the property east of the request site has been zoned to permit general industrial uses. After consideration of public input, should the Commission and Board wish to approve this amendment, acceptance of the proffered condition would be appropriate.

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### CASE HISTORY

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Applicants, Staff, Bermuda District Commissioner and Adjacent Property Owners (10/10/02):

An on-site meeting was held to discuss the applicants' plans for development and citizens concerns. Concerns were expressed relative to grading and clearing on adjacent property and proposed screening. The applicants indicated property boundaries would be resurveyed and that a meeting would be held with the adjacent property owners to discuss the results and proposed screening.

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Planning Commission Meeting (10/15/02):

At the applicants' request, the Commission deferred this case to December 17, 2002.

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Staff (10/16/02):

The applicants were advised in writing that any significant new or revised information should be submitted no later than October 21, 2002, for consideration at the Commission's December 17, 2002, public hearing.

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Staff (11/22/02):

To date, no new information has been received.

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Planning Commission Meeting (12/17/02):

At the applicants' request, the Commission deferred this case to their February 18, 2003, meeting.

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Staff (12/18/02):

The applicants were advised in writing that any significant new or revised information should be submitted no later than December 23, 2002, for consideration at the Commission's February 18, 2003, public hearing.

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Staff (1/27/03):

To date, no new or revised information has been submitted.

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Applicants, Staff, Bermuda District Commissioner and Adjacent Property Owners (2/13/03):

A meeting was held to discuss the applicants' plan for screening within the proposed reduced setback.

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Applicants (2/18/03):

In response to adjacent property owners' concerns over the impact of the reduced setback on their properties, the applicants submitted revisions to the Proffered Condition relative to specific screening to be provided. (Proffered Condition)

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Planning Commission Meeting (2/18/03):

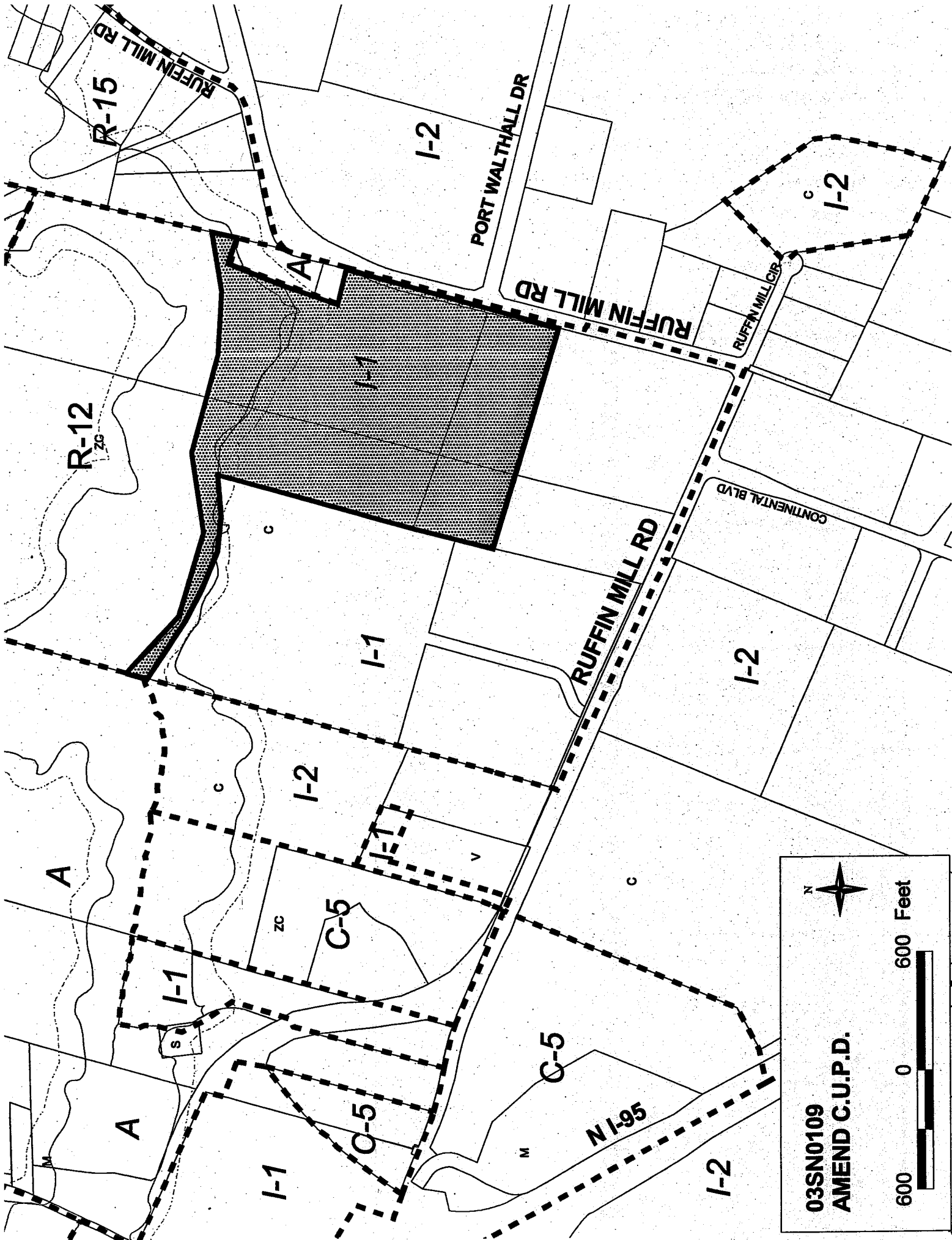
The applicants accepted the recommendation. No one spoke in favor of or in opposition to the request.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission recommended approval and acceptance of the Proffered Condition on page 2.

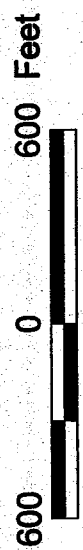
AYES: Unanimous.

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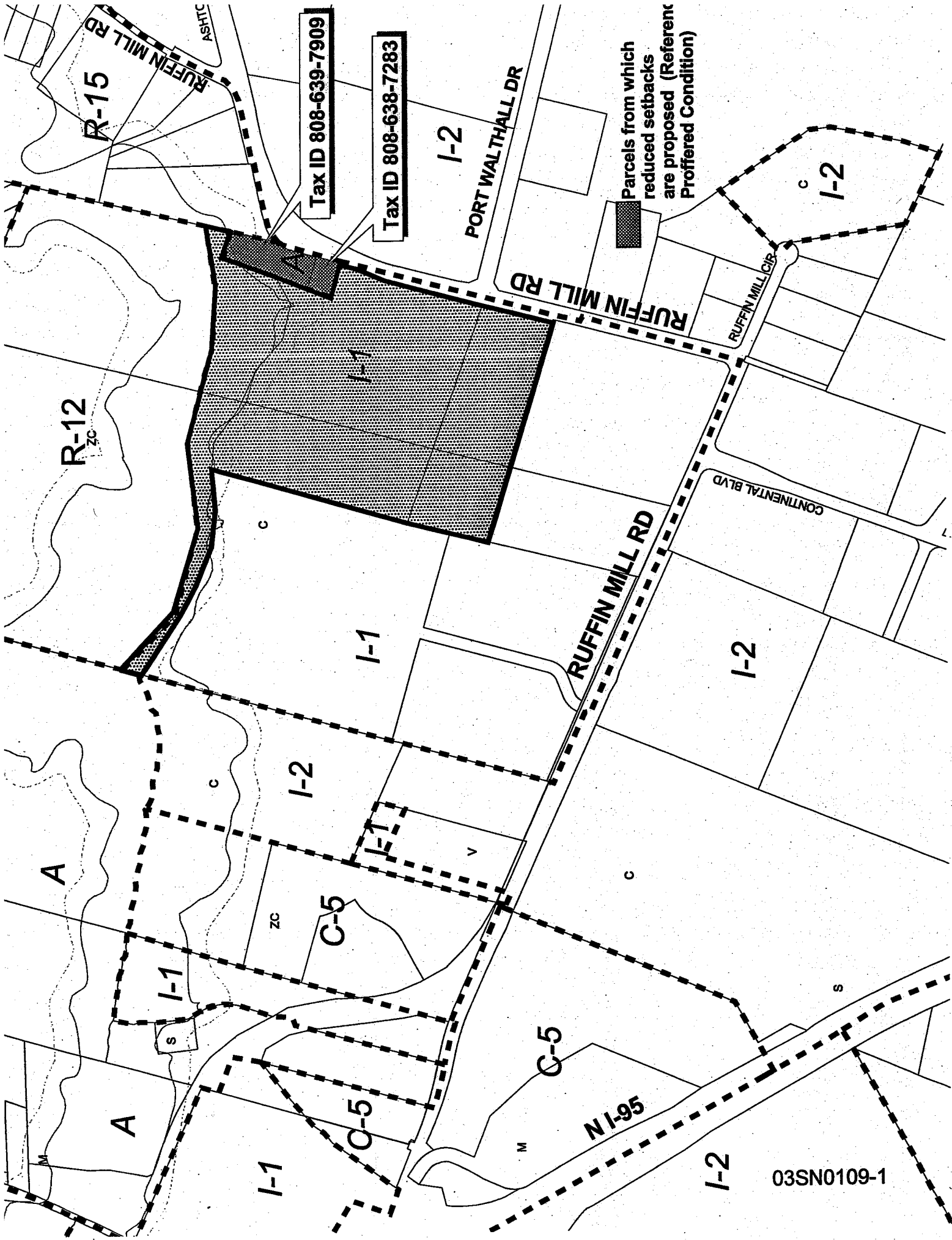
The Board of Supervisors, on Wednesday, March 12, 2003, beginning at 7:00 p.m., will take under consideration this request.



03SN0109  
AMEND C.U.P.D.







03SN0109-1